
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 328

The Cereal Seed (Scotland) Regulations 2005

PART I
GENERAL

Definitions of seed categories

3. In these Regulations—

“Breeder’s Seed” means seed of barley, durum wheat, maize, oats, rye, spelt wheat, triticale or wheat of a generation prior to Basic Seed which has been produced by or under the responsibility of the breeder and is intended for the production of Pre-basic Seed or Basic Seed;

“Pre-basic Seed” means seed of a generation prior to Basic Seed which—

- (a) has been produced by or under the responsibility of the breeder according to accepted practices for the maintenance of the variety; and
- (b) is intended to be used for the production of more Pre-basic Seed, Basic Seed, or with the written authority of the breeder—
 - (i) in the case of maize or rye, Certified Seed;
 - (ii) except in the case of maize or rye, Certified Seed of the First Generation;
 - (iii) except in the case of maize or rye, Certified Seed of the Second Generation; and
- (c) ^Fhas been—
 - (i) subject to regulation 12, officially certified, or confirmed by the Scottish Ministers by means of a breeder’s confirmation, as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Basic Seed specified in schedule 4;
 - (ii) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in paragraphs (a) and (b) and the applicable requirements for Basic Seed in the relevant part of the United Kingdom;]

“Basic Seed” means seed which—

- (a) in relation to barley, durum wheat, oats, rye, triticale, spelt wheat and wheat, other than a hybrid variety—
 - (i) has been produced by or under the responsibility of the breeder according to accepted practices for the maintenance of the variety; and
 - (ii) is intended to be used for the production of—
 - (aa) in the case of rye, Certified Seed;
 - (bb) except in the case of rye, Certified Seed of the First Generation;
 - (cc) except in the case of rye, Certified Seed of the Second Generation; or
- (b) in relation to a component of a hybrid variety of barley, durum wheat, maize, oats, rye, self pollinating triticale, spelt wheat or wheat, is intended to be used for the production of a hybrid variety of barley, durum wheat, maize, oats, rye, self-pollinating triticale,

- spelt wheat or wheat and which has been produced by or under the responsibility of the breeder according to accepted practices for the maintenance of the variety; or
- (c) in relation to an open-pollinated variety of maize—
- (i) has been produced by or under the responsibility of the breeder according to accepted practices for the maintenance of the variety; and
 - (ii) is intended to be used—
 - (aa) for the production of Certified Seed of the same variety; or
 - (bb) as a component in the production of Certified Seed of a top cross or intervarietal hybrid variety; or
- (d) in relation to inbred lines of maize, has been produced by or under the responsibility of the breeder according to accepted practices for the maintenance of the variety; or
- (e) in relation to simple hybrids of maize, is intended to be used for the production of double hybrids, triple-cross hybrids or top cross hybrids; and
- (f) ^{F2}has been—
- (i) subject to regulation 12, officially certified, or confirmed by the Scottish Ministers by means of a breeder’s confirmation, as satisfying the conditions specified in paragraphs (a), (b), (c), (d) or (e) and the requirements for Basic Seed specified in schedule 4;
 - (ii) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in paragraphs (a), (b), (c), (d) or (e) and the applicable requirements for Basic Seed in the relevant part of the United Kingdom;]

“Certified Seed” means seed which, in relation to maize and rye (including hybrids of maize and rye) and hybrids of barley, durum wheat, oats, self-pollinating triticale, spelt wheat and wheat—

- (a) has been produced directly from Basic Seed or, with the breeder’s written authority, from Pre basic Seed;
- (b) is intended for purposes other than the production of cereal seed; and
- (c) ^{F3}has been—
 - (i) subject to regulation 12, officially certified as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed specified in schedule 4;
 - (ii) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in paragraphs (a) and (b) and the applicable requirements for Certified Seed in the relevant part of the United Kingdom;]

“Certified Seed of the First Generation” means seed of barley, durum wheat, oats, spelt wheat, triticale, or wheat, other than a hybrid in each case, which—

- (a) has been produced directly from Basic Seed or, with the written authority of the breeder, from Pre basic Seed;
- (b) is intended—
 - (i) for the production of Certified Seed of the Second Generation; or
 - (ii) for purposes other than the production of cereal seed; and
- (c) ^{F4}has been—
 - (i) officially certified as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed of the First Generation specified in schedule 4;

- (ii) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in paragraphs (a) and (b) and the applicable requirements for Certified Seed of the First Generation in the relevant part of the United Kingdom;]

“Certified Seed of the Second Generation” means seed of barley, durum wheat, oats, spelt wheat, triticale or wheat, other than hybrids in each case, which—

- (a) has been produced directly from Basic Seed, Certified Seed of the First Generation or, with the written authority of the breeder, from Pre basic Seed;
- (b) is intended for purposes other than the production of cereal seed; and
- (c) ^{F5}has been—
 - (i) officially certified as satisfying the conditions specified in paragraphs (a) and (b) and the requirements for Certified Seed of the Second Generation specified in schedule 4;
 - (ii) certified by a GB Authority, other than the Scottish Ministers, or the NI Authority as satisfying the conditions specified in paragraphs (a) and (b) and the applicable requirements for Certified Seed of the Second Generation in the relevant part of the United Kingdom;]

“Seed of a Certified Generation” means Certified Seed, Certified Seed of the First Generation and Certified Seed of the Second Generation.

Textual Amendments

- F1** Words in [reg. 3](#) substituted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **13(3)(a)** (as substituted by S.S.I. 2020/445, regs. 1(1)(b), **14(3)(a)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F2** Words in [reg. 3](#) substituted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **13(3)(b)** (as substituted by S.S.I. 2020/445, regs. 1(1)(b), **14(3)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F3** Words in [reg. 3](#) substituted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **13(3)(c)** (as substituted by S.S.I. 2020/445, regs. 1(1)(b), **14(3)(c)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F4** Words in [reg. 3](#) substituted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **13(3)(d)** (as substituted by S.S.I. 2020/445, regs. 1(1)(b), **14(3)(d)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F5** Words in [reg. 3](#) substituted (31.12.2020) by [The Seed and Propagating Material \(EU Exit\) \(Scotland\) \(Amendment\) Regulations 2019 \(S.S.I. 2019/59\)](#), regs. 1(1)(b), **13(3)(e)** (as substituted by S.S.I. 2020/445, regs. 1(1)(b), **14(3)(e)**); 2020 c. 1, **Sch. 5 para. 1(1)**

Commencement Information

- I1** Reg. 3 in force at 1.7.2005, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Cereal Seed (Scotland) Regulations 2005, Section 3.